

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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LAYTONIA FLAGG,

Plaintiff,

vs.

MARK SABEN, Parole Officer;  
DETECTIVE WILLIAM SUMMERS, ID#409;  
D.P. PROUD, ID# 0140; RICHARD CURRAN,  
ID# 0066;

5:19-CV-886  
(TJM/ATB)

Defendants.

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LAYTONIA FLAGG, Plaintiff pro se

ANDREW T. BAXTER, United States Magistrate Judge

**ORDER**

On August 15, 2019, I issued an Order and Report-Recommendation (“ORR”) in this action. (Dkt. No. 7). In my ORR, I reviewed the plaintiff’s amended civil rights complaint in which she was suing various defendants in connection with the search of her home.<sup>1</sup> (*Id.*) As the result of my initial review, I recommended dismissal of the New York State Division of Parole, the Syracuse Police Department, Onondaga County District Attorney William J. Fitzpatrick, and Assistant District Attorney Sean Chase. (*Id.*). I also recommended that the case proceed past initial review for defendants Detective William Summers, D.P. Proud, and Richard Curran. (*Id.*)

Plaintiff did not file objections to the ORR, and on October 8, 2019, Senior District Court Judge McAvoy adopted the ORR and returned the case to me for further

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<sup>1</sup> The court assumes familiarity with, and refers to, my ORR for a summary of the facts in the amended complaint. (Dkt. No. 7 at 3-9).

proceedings, including an order serving the remaining defendants Saben, Summers, Proud, and Curran. (Dkt. No. 8).

**WHEREFORE**, based on the findings above, and in my ORR of August 15, 2019 (Dkt. No. 7), it is

**ORDERED** that the Clerk shall issue summonses and forward them, along with copies of the amended complaint, and a packet containing General Order 25, which sets forth the Civil Case Management Plan used by the Northern District of New York to the United States Marshal for service upon the defendants **SABEN, SUMMERS, PROUD, and CURRAN**. The Clerk shall forward a copy of the summons and amended complaint to the Corporation Counsel of the City of Syracuse and the New York State Attorney General's Office, together with a copy of this Decision and Order, my ORR, and Senior Judge McAvoy's Order (Dkt. Nos. 7, 8); and it is

**ORDERED** that a response to plaintiff's complaint be filed by the named defendants or their counsel as provided for in the Federal Rules of Civil Procedure; and it is

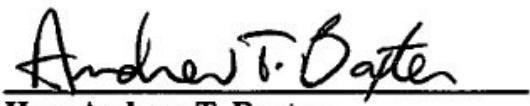
**ORDERED**, that the Clerk is directed to schedule a Rule 16 conference before me, and it is

**ORDERED** that all pleadings, motions, and other documents relating to this action must bear the case number assigned to this action and be filed with the Clerk of the United States District Court, Northern District of New York, 7<sup>th</sup> Floor, Federal Building, 100 S. Clinton St., Syracuse, New York 13261-7367. **Any paper sent by a party to the Court or the Clerk must be accompanied by a certificate showing that**

a true and correct copy of same was served on all opposing parties or their counsel. Any document received by the Clerk or the Court which does not include a proper certificate of service will be stricken from the docket. Plaintiff must comply with all requests by the Clerk's Office for any documents that are necessary to maintain this action. All parties must comply with Local Rule 7.1 of the Northern District of New York in filing motions. Plaintiff is also required to promptly notify the Clerk's Office and all parties or their counsel, in writing, of any change in his address; his failure to do so will result in the dismissal of this action; and it is

**ORDERED** that the Clerk shall serve a copy of this Decision and Order on plaintiff.

Dated: October 10, 2019

  
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**Hon. Andrew T. Baxter  
U.S. Magistrate Judge**